

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
February 23, 2010
7:00 p.m.

Attendance: Mayor Eric Doering, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, and Town Clerk Nanette Fornof. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:04 p.m.; role call was taken and all Trustees were present except Mayor Pro Tem Wedel.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

Scott McKenna President of Countryside Homeowners Association indicated they, the Association would like to formalize the maintenance agreement as proposed early in the year of 2009. McKenna stated the Association agrees there is an obligation of the Association to maintain the landscape areas, including the watering of Tract E. The Association requests the Town consider adopting the playground and gazebo into the Parks and Open Space Department of the Town. In exchange for the playground area being adopted by the Town, the Association would maintain Tract L. Mayor Doering requested McKenna and Town staff work together to resolve this situation.

Jennifer Rhodes a resident in Frederick living on Walnut Drive voiced her concerns about the amount of noise activity that goes on at Fireman's Park all hours of the night. Rhodes has discussed this issue with the Frederick Police Department and is requesting the Town to find some resolution to the situation. Again, Mayor Doering requested Rhodes and Town Staff work together to find a solution to the proposed situation.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Community Survey, and Upcoming Board of Trustees Work Sessions. The Engineering Department provided information regarding the Frederick High School Project, Culvert Repair on Aggregate Boulevard and Building Activity. The Finance and Human Resources

Department provided information regarding Recruitment Update, Training and Utilities. The Planning Department provided information regarding Bulrush Wetlands to be Closed, Parks, Open Space, and Trails Master Plan and the Milavec Lake Aeration. Information regarding Additional DUI Enforcement Activities, Police Accreditation Assessors and Continued Emergency Management Training was provided by the Frederick Police Department. The Public Works Department supplied information about the On-going Winter Roadway Maintenance, Frederick Recreation Area, Spring Clean-up Day, Consumer Confidence Report and Tree Inventory.

There was information provided in regard to the resignation of Town Planner Todd Tucker; Tucker has accepted a position with Homeland Security in Kansas City, Missouri and the recruitment of the Administrative Services Director's position. Bryan Ostler has been hired for the Administrative Services Director's position.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and provided verbal information regarding the Countryside Homeowners Association condition. There being no questions or comments Mayor Doering proceeded to the Action Agenda.

ACTION AGENDA

AM 2010-018, Moratorium on Medical Marijuana Operations In 2000, Colorado voters passed Colorado Constitutional Amendment 20, amending Article XVIII of the Constitution by adding Section 14. (Medical use of marijuana for persons suffering from debilitating medical conditions). On December 8, 2009, the Board of Trustees was presented with a proposed ordinance setting the structure and terms applicable to the Town's licensing of medical marijuana growth and dispensing activities. At that meeting the Board did not adopt the code revisions, choosing instead to institute a moratorium on the submission and review of applications for commercial medical marijuana operations.

The proposed resolution was drafted to memorialize the motion passed by the Board at the December 8, 2009 meeting, electing to suspend any further consideration of how/whether to permit commercial medical marijuana operations for a period of 180 days. The rationale behind the motion was that federal and state policy needed time to catch up with recent opinions rendered in Colorado State courts on local regulation of medical marijuana operations. Since that time, the DEA has taken action to prosecute medical marijuana operations in another Colorado municipal jurisdiction, irrespective of whether that operation was permitted under local land use or municipal regulation.

Motion by Trustee Wollack to approve Resolution 10R011, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ADOPTING A MORATORIUM ON REVIEW AND ISSUANCE OF LICENSES AND PERMITS FOR MEDICAL MARIJUANA OPERATIONS WITHIN THE TOWN, motion was then seconded by Trustee Pfirsch, motion carried unanimously.

Mayor Doering indicated he attends the Metro Mayors meeting and the organization is requesting each municipality voice their opinion of support/nonsupport of House Bill 10-

1284. The proposed legislation will prohibit an establishment to distribute medical marijuana without first registering with the local jurisdiction. Motion by Trustee Wollack to support House Bill 10-1284 in concept, Trustee Schiers seconded the motion and motion carried unanimously. The Board stated that if the Bill is to change dramatically, they (the Board) would like to revisit their opinion.

CONSENT AGENDA

Motion by Trustee Carey, seconded by Trustee Wollack to approve the Consent Agenda with the following items; Approval of the List of Warrants for February 23, 2010, and AM 2010-017, approve Resolution 10R012, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING ADMINISTRATIVE APPROVAL AUTHORITIES GRANTED BY THE BOARD OF TRUSTEES TO ADMINISTRATIVE DIRECTORS, Trustee Wollack seconded the motion and motion carried unanimously.

Approval of the February 9, 2010, Regular and Special board Meeting Minutes and February 16, 2010, Special Board Meeting Minutes The February 9, 2010, Regular Meeting Minutes, under the Mayor/Trustee Reports; Trustee Carey report, Trustee Carey made the motion to reconsider Resolution 10-011, Trustee Wollack seconded. The minutes reflected that Trustee Pfirsch had seconded the motion. Motion by Trustee Wollack to approve the February 9, 2010, Regular Meeting Minutes as amended, the February 9, 2010, Special Meeting Minutes and the February 16, 2010, Special Meeting Minutes. Trustee Pfirsch seconded the motion and motion carried unanimously.

DISCUSSION AGENDA

IM 2010-003, Utility Billing Discussion The Board of Trustees requested staff to provide information on the water shut off policy and procedures. The Town Administrator formed a task force that includes the departments upon which the policy and procedure impact their operation directly including the Interim Public Works Director, Town Clerk, Interim Finance/HR Director, and the Assistant Town Attorney to assess the policy and procedures effectiveness and efficiency. A lengthy discussion took place relating to the time frame water should be turned off, what fee should be charged for reconnection, the flexibility of when water should be turned back on and if an emergency fee should be established. There were several Board members that stated the way the Frederick Municipal Code addresses the issue is adequate.

Motion by Trustee Wollack to direct staff to draft an ordinance with the described amendments; that the water will be turned on no later than the next business day, once payment has been received, the motion was then seconded by Trustee Carey, motion carried with Trustee Hattel and Pfirsch voting against the motion.

IM 2010-004, Response to Offer by Noble Oil and Gas Noble Energy Inc., proposed a settlement in regard to the disputed Inspection Fees assessed by the Town of Frederick. Noble Oil and Gas has indicated in their opinion the Inspection Fees the Town

is implementing are invalid and unenforceable. Town Attorney Samson stated he has documentation from the Colorado Attorney General stating the Inspection Fees are valid and are collectable. This all being said, Noble Oil and Gas has made a proposal described in the letter from Beatty and Wozniak, P.C., dated February 2, 2010. Motion by Trustee Wollack to decline Noble Oil and Gas Company offer as described in the letter from Beatty and Wozniak, P.C., dated February 2, 2010, Trustee Pfirsch seconded the motion and motion carried unanimously. Town Attorney Samson will provide the above mentioned motion to Noble Oil and Gas Company's attorney.

MAYOR AND BOARD REPORTS

Trustee Carey inquired about the 2009 Tree Program, and requested a Resolution be drafted in support of Samson, Pipis and Marsh, P.C. firm continuing to be the Town's Attorney of choice. Trustee Carey also withdrew his motion to reconsider Resolution 10R010, Trustee Wollack who seconded the motion, also withdrew his portion of the motion.

Trustee Hattel had nothing new to report.

Trustee Pfirsch had nothing new to report.

Trustee Schiers had nothing new to report.

Trustee Wollack made mention of the two issues that were discussed under Public Comment. Staff will research the situations and report back to the Board at a later date.

Mayor Doering made comment about the Intergovernmental Agreement between the Town of Frederick and St. Vrain Valley School District; a joint meeting has been preliminarily scheduled for June 15th. Mayor Doering also thanked the Board for their Seeking to Build Community meetings and reminded the Board of upcoming events, such as Unity in the Community, the Carbon Valley Chamber Dinner and a CML Legislative Workshop.

There being no further discussion, Mayor Doering closed the regular meeting at 8:28p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor